

# EXHIBIT B



**LAWYERS' COMMITTEE FOR  
CIVIL RIGHTS  
U N D E R L A W**

1401 New York Avenue, NW  
Suite 400  
Washington, DC 20005-2124

Tel: 202.662.8600  
Fax: 202.783.0857  
[www.lawyerscommittee.org](http://www.lawyerscommittee.org)

October 13, 2016

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Robert A. Brehm, Co-Executive Director  
Todd D. Valentine, Co-Executive Director  
New York State Board of Elections  
40 North Pearl Street, Suite 5  
Albany, NY 12207-2729

Dear Messrs. Brehm and Valentine:

On behalf of the Lawyers' Committee for Civil Rights Under Law, we want to thank you for taking the time to speak with us a couple of weeks ago. Our conversation was constructive and productive. In particular, we appreciated your interest in Election Protection, the non-partisan coalition that includes more than 100 local, state, and national partners, and operates a state-of-the-art hotline (866-OUR-VOTE). Our successful collaboration with local and state election officials has played a large role in enabling Election Protection volunteers to effectively assist New York voters over the years.

The primary objective of Election Protection is to ensure that all voters have an equal opportunity to participate in the electoral process. In furtherance of that goal, we invite the State Board of Elections to consider whether it would be possible to promote access to the ballot for inactive voters who appear at New York polling places on Election Day. As you know, inactive voters are not included on the list of voters available at polling places, although they are eligible to vote and will be restored to active status if they cast a proper affidavit ballot. New York is one of only four states in the nation that do not include inactive voters in poll books at polling places, along with Alaska, Minnesota, and Mississippi.

In our meeting, we suggested that New York resume its prior practice of including inactive voters' names in poll books. We continue to believe that such a procedure would ensure that all inactive voters are able to participate in the upcoming election. While it is legitimate to be concerned that this change could lead to confusion on the part of some poll workers, the potential for problems can be eliminated by creating clear procedures and effectively training poll officials. Some states, for example, use a unique designation for inactive voters and employ different procedures for processing inactive voters at polling places. *See, e.g.*, CONN. GEN. STAT. ANN. §§ 9-35, 9-42; TEX. ELEC. CODE ANN. § 15.112; ALA. CODE §§ 17-4-9, 17-4-30.



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We believe a procedure similar to the one previously employed by New York provides the best opportunity for increasing access to the ballot while safeguarding the integrity of the electoral process. However, we would be open to and supportive of other ideas that could prevent voters from being disenfranchised under the current system. We are happy to brainstorm about possible options and discuss their relative merits at your convenience.

Thank you for your consideration. If the Lawyers' Committee can be of any further assistance, please do not hesitate to contact President & Executive Director Kristen Clarke at [kclarke@lawyerscommittee.org](mailto:kclarke@lawyerscommittee.org) or 202-662-8300.

Sincerely,

Kristen Clarke

President and Executive Director  
Lawyers' Committee for Civil  
Rights Under Law

Dan Kolb

Board of Directors  
Lawyers' Committee for Civil  
Rights Under Law

cc: Brian Quail and Kimberly A. Galvin, SBE Co-Counsel  
Jon Greenbaum, Ezra Rosenberg, and John Powers, LCCRUL